

AK

| | | |
|-------------------------------|---------------------------------|--------------------|
| Notice of Allowability | Application No. | Applicant(s) |
| | 10/827,071 | BERGEN, RICHARD F. |
| | Examiner Alicia M Harrington | Art Unit 2873 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to application and IDS filed on 4/19/04; interview on 1/14/05.
2. The allowed claim(s) is/are 1,4 and 6-10.
3. The drawings filed on 19 April 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 0404
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 105.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Georgia Epps
Georgia Epps
Supervisory Patent Examiner
Technology Center 2800
Notice of Allowability

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. William A. Henry III on 1/14/05.
3. The application has been amended as follows:
 1. (Amended) An apparatus for producing a line, comprising:

a laser source adapted to produce radiant energy;

a ~~device~~ capillary array for altering radiant energy produced by said laser source, and wherein radiant energy projected from said laser source into said ~~device~~ capillary array emerges from said ~~device~~ capillary array in a disc shaped pattern; and

a concave cylindrically shaped reflector member with a mirrored reflecting surface positioned between said laser source and said ~~device~~ capillary array, said concave shaped reflector member having a channel therein through which radiant energy from said laser source is projected towards said capillary array-device.
 2. (canceled)
 3. (canceled)
 4. (Amended) An apparatus for producing a line, comprising:

a laser source adapted to produce radiant energy;

a device in the form of a hollow tube within a hollow tube for altering radiant energy produced by said laser source, and wherein radiant energy projected from said laser source into said device emerges from said device in a disc shaped pattern; and
a concave cylindrically shaped reflector member with a mirrored reflecting surface positioned between said laser source and said device, said concave shaped reflector member having a channel therein through which radiant energy from said laser source is projected towards said device ~~The apparatus of claim 1, wherein said device is in the form of a hollow tube within a hollow tube.~~

5. (canceled)

Allowable Subject Matter

4. Claims 1,4,6-10 are allowed.

5. The following is an examiner's statement of reasons for allowance: Regarding claim 1, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include a capillary array for altering radiant energy produced by said laser source, and wherein radiant energy projected from said laser source into said capillary array emerges from said capillary array in a disc shaped pattern; and a concave cylindrically shaped reflector member with a mirrored reflecting surface positioned between said laser source and said capillary array, said concave shaped reflector member having a channel therein through which radiant energy from said laser source is projected towards said capillary array.

Regarding claim 4, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include a device in the form of a hollow tube within a hollow tube for altering radiant energy produced by said laser source, and wherein radiant energy projected from said laser source into said device emerges from said device in a disc shaped pattern; and

a concave cylindrically shaped reflector member with a mirrored reflecting surface positioned between said laser source and said device, said concave shaped reflector member having a channel therein through which radiant energy from said laser source is projected towards said device.

Regarding claim 6, prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the dependent claims, in such manner that a rejection under 35 U.S.C 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims, which at least include n altering device, and wherein radiant energy projected from said device into said altering device emerges from said altering device in a disc shaped pattern; and a convex cylindrically shaped reflector member with a mirrored reflecting surface positioned between said device and said altering device, said convex shaped reflector member having a channel therein through which radiant energy from said device is projected towards said altering device as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ozaki (US 4,589,738) discloses an apparatus for projecting a laser beam in a linear pattern;

Perlo et al (US 5,841,596) discloses a lighting system with a microtelescope integrated in a transparent plate; and

Hohberg (US 5,285,320) discloses a mirror for changing the geometrical form of a light beam.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Harrington whose telephone number is 571 272 2330. The examiner can normally be reached on Monday - Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571 272 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia M Harrington

Examiner

Art Unit 2873



AMH



Georgia Eppes
Supervisory Patent Examiner
Technology Center 2800